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**AGENDA FOR THE  
REGULAR COUNCIL MEETING OF  
MONDAY, MARCH 18, 2002 AT 2:00 P.M.  
CITY ADMINISTRATION BUILDING  
COUNCIL CHAMBERS - 12TH FLOOR  
202 "C" STREET  
SAN DIEGO, CA 92101**

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ITEM-1:                      ROLL CALL.

ITEM-10:                    INVOCATION.

ITEM-20:                    PLEDGE OF ALLEGIANCE.

**SPECIAL ORDERS OF BUSINESS**

ITEM-30:    Approval of Council Minutes.

**TODAY'S ACTION IS:**

Approval of Council Minutes for the meetings of:

2/11/2002  
2/12/2002  
2/18/2002 Adjourned  
2/19/2002 Adjourned

**SPECIAL ORDERS OF BUSINESS**

ITEM-31:    Richard Bennett Day.

**MAYOR MURPHY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1091)

Recognizing and commending Lieutenant Richard Bennett in honor of his forty and a half years of service to the San Diego Police Department and citizens of San Diego by declaring March 18, 2002 to be "Richard Bennet Day" in the City of San

Diego.

**SPECIAL ORDERS OF BUSINESS**

ITEM-32: Linda LeGerrette Day.

**COUNCILMEMBER ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1185)

Recognizing the contributions of Linda LeGerrette to the San Diego Civil Service Commission, and commending her for her commitment to social equality and the environment which have dramatically improved the quality of life of her fellow citizens;

Proclaiming March 18, 2002 to be "Linda LeGerrette Day" in the City of San Diego.

**SPECIAL ORDERS OF BUSINESS**

ITEM-33: Pomerado Hospital Day.

**COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1027)

Proclaiming March 18, 2002 to be "Pomerado Hospital Day" in the City of San Diego in recognition of Pomerado Hospital and its pharmacy staff for their support of the San Diego County Urban Search and Rescue Task Force 8 in their work in New York City.

**SUPPORTING INFORMATION:**

The Pomerado Hospital is a provider of healthcare for San Diego County residents and is an important component within the medical community. They have maintained the medical cache through its pharmacy for the San Diego County Urban Search and Rescue Task Force for the past six years. The Pomerado Hospital's medical cache is vital in assisting medical personnel with providing treatment to victims and rescue workers engaged in disaster and terrorist response. In the wake of tremendous tragedy, Pomerado Hospital's pharmacy staff supported the deployment

of Task Force 8 to the World Trade Center terrorist attacks in New York City for a search and rescue mission at Ground Zero. Pomerado Hospital's support of the members of Task Force 8 demonstrates its commitment to public safety and recognition of firefighters throughout the United States. The pharmacy staff at Pomerado Hospital exemplifies the true meaning of American spirit by their dedication and support towards Task Force 8 and the victims of the World Trade Center terrorist attacks. The Council hereby proclaims Monday, March 18, 2002, to be "Pomerado Hospital Day" in the City of San Diego in recognition of Pomerado Hospital and its pharmacy staff for their support of the San Diego County Urban Search and Rescue Task Force 8 in their work in New York City.

Maienschein/NB

### **SPECIAL ORDERS OF BUSINESS**

ITEM-34: Stuart H. Swett Day.

### **CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1128)

Recognizing and commending Senior Deputy City Attorney Stuart H. Swett's, thirty seven and half years of exemplary service to the City Attorney's Office and the citizens of San Diego;

Proclaiming March 22, 2002 to be "Stuart H. Swett Day" in San Diego.

### **REQUESTS FOR CONTINUANCE**

The Council will now consider requests to continue specific items.

### **CONSENT ITEMS**

The following listed items are considered to be routine, and the appropriate Environmental Impact Reports have been considered. These items are indicated on the docket by a preceding asterisk (\*).

### **ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:**

Items 50, 51, 52, 53 and 54.



ORDINANCES TO BE INTRODUCED:

Items 55, 56 and 57.

RESOLUTIONS TO BE ADOPTED:

Items 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138 and 139.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

\* ITEM-50: Estates at Costa Del Mar Rezoning.

(RZ-40-0247. Carmel Valley Community Plan Area. District-1.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 2/26/2002. (Council voted 9-0):

(O-2002-90)

Rezoning 10.0 acres, located at the northern terminus of Arroyo Sorrento Place, in the Carmel Valley Community Plan Area, from the AR-1-1 Zone to the AR-1-2 Zone and approving an amendment to the Local Coastal Program.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

\* ITEM-51: Skyline Terrace Estates.

(South Encanto Community Area. District-4.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 2/26/2002. (Council voted 9-0):

(O-2002-89)

Amending Chapter 10, Article 3, Division 17, of the San Diego Municipal Code by amending Section 103.1703 relating to Application Regulations for the

Southeastern San Diego Planned District.

**ADOPTION AGENDA, CONSENT ITEMS**

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

- \* ITEM-52: Exempting a Council Representative I Position from the Classified Service for Council District 4.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 2/25/2002 (Council voted 9-0):

(O-2002-93)

Exempting a Council Representative I position from the classified service for Council District 4.

**ADOPTION AGENDA, CONSENT ITEMS**

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

- \* ITEM-53: Shared Parking Agreement - College Lutheran Church.

(College Community Area. District-7.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 2/25/2002. (Council voted 9-0):

(O-2002-80 Cor. Copy)

Authorizing the City Manager to execute a twenty-year shared parking agreement with College Lutheran Church, commencing November 1, 2002, and terminating October 31, 2022, for the adjacent College Park Community Library to use thirty-one vehicle parking spaces on the Church property and for the Church to use a portion of the Library parking area as overflow parking when the Library is closed;

Authorizing the expenditure of an amount not to exceed \$156,027 from HUD 108 Loan to construct parking improvements on the Church property in lieu of rent at the time of the Library construction.

Aud. Cert. 2200791.

**NOTE:** 6 votes required pursuant to Section 99 of the City Charter.

**ADOPTION AGENDA, CONSENT ITEMS**

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

\* ITEM-54: Adobe Bluffs Elementary School - Joint Use Agreement and Improvements.

(Rancho Peñasquitos Community Area. District-1.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 2/25/2002. (Council voted 9-0):

(O-2002-92)

Authorizing a ten year agreement for the joint use, operation, and maintenance of turfed fields, parking lot, and restroom at Adobe Bluffs Elementary School and Adobe Bluffs Park with the Poway Unified School District; adding CIP-29-570.0, Adobe Bluffs - Joint Use Area Improvements, to the FY2002 CIP budget; and authorizing the appropriation and expenditure of \$20,950 from CIP-29-570.0 for construction of backstops at the joint use site.

Aud. Cert. 2200817.

**NOTE:** 6 votes required pursuant to Section 99 of the City Charter.

**ADOPTION AGENDA, CONSENT ITEMS**

ORDINANCES TO BE INTRODUCED:

\* ITEM-55: Office Space Lease Amendment - Executive Complex - 10<sup>th</sup> Floor.

(Centre City Community Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2002-113)

Introduction of an Ordinance authorizing the City Manager to execute a Fourth

Amendment to Lease Agreement with Executive One Associates for office space.

**NOTE:** 6 votes required pursuant to Section 99 of the City Charter.

**CITY MANAGER SUPPORTING INFORMATION:**

EMS currently located on the 3rd floor of the Executive Complex building, has grown beyond current capacity. Available space was found on the 10th floor of the Executive Complex building. EMS is proposing to lease the space under the following basic lease terms:

**TERM-** Approximately 13 years. The space will be available for occupancy January 15, 2002, terminating on March 31, 2014, the expiration date of the Master Lease.

**RENT-** \$1.41 per square foot or \$1,542.54 per month. Rent is below market as compared to similar buildings in the downtown core.

**USE-** General office usage.

**SIZE-** Approximately 1,094 square feet.

**SPACE REFURBISHMENTS** - Landlord will refurbish the space at landlord's sole cost and expense. The refurbishment consists of painting the premises and cleaning the carpet. Estimated cost is \$950.

**FISCAL IMPACT:**

\$8,624.26 will be paid from the EMS Fund 10246, Dept. 121 for rent from the FY2002 Budget. Future Fiscal Impacts: The monthly rent increases by approximately 1.5% per year throughout the lease term.

Herring/Griffith/DLM

Aud. Cert. 2200877.

**ADOPTION AGENDA, CONSENT ITEMS**  
**ORDINANCES TO BE INTRODUCED:**

\* ITEM-56: Amendments to San Diego Municipal Code, Chapter II, Article 4.

**RETIREMENT BOARD'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2002-75)

Introduction of an Ordinance amending Chapter 2, Article 4, of the San Diego Municipal Code by amending Division 1 by amending Section 24.0103; by amending Division 6 by repealing and reenacting Division 6; by amending Division 7 by repealing and reenacting Division 7; by amending Division 9 by repealing and reenacting Division 9; by amending Division 10 by repealing Sections 24.1008 and 24.1009; by amending Division 11 by repealing Section 24.1101; by amending Division 14 by amending Section 24.1405; by amending Division 15 by amending Sections 24.1502 and 24.1507; and by amending Division 17 by amending Section 24.1704, all relating to the San Diego City Employees' Retirement System.

### **SUPPORTING INFORMATION:**

The Retirement Board is responsible for administering the San Diego City Employees' Retirement System (SDCERS). The Board recommends the following housekeeping amendments to the Municipal Code: 1) Amend Section 24.0103 to change "Legislative Officers" to "Elected Officers," and to add the City Attorney to the definition of "Elected Officers," to conform to the changes made by Ordinance 0-18994.

2. Amend Municipal Code Section 24.0103 to clarify that "Deferred Members" are a separate class from active "Members."

3. Amend Divisions 6 and 7 to clarify and describe in "plain English" the existing retirement settlement options, survivor benefits and death benefits, and Division 9, to clarify the powers and duties of the Retirement Board, and renumber Sections to conform to the preferred Municipal Code format.

4. Repeal Sections 24.0705 through 24.0710.3, describing the Special Death Benefit for Safety Members and the Modified Special Death Benefit for General Members and reenact in a single Section entitled "Industrial Death Benefit."

5. Repeal Section 24.0711, entitled "Beneficiary Not Designated," Section 24.0712, entitled "Beneficiary Not Designated - Affidavit Required," and reenact as Section 24.0706, and amend to conform to the California Probate Code requirements regarding payment of beneficiaries.

6. Repeal Section 24.1008 and reenact it as Section 24.0911, and repeal Section 24.1009, and reenact it as part of Section 24.0908, because these Sections relate to the Retirement Board's powers and duties and belong in Division 9.

7. Amend Section 24.1502 to conform to the Corbett Settlement, and to clarify that if a retiree who is entitled to receive the 7% settlement increase dies during the fiscal year, the 7% increase will be paid, on a prorated basis, to his or her Beneficiary or estate.

8. Amend Section 24.1507(a)(3) to correct references to other Section numbers.

9. Amend Section 24.1704 to clarify and describe in "plain English" the existing contribution

rates for Elected Officer Members, and to reflect the increased contribution rate as a result of the Corbett Settlement.

The proposed amendments have been reviewed and approved by the Retirement Board. The Retirement Board's Assistant General Counsel was directed to prepare the instant ordinance for submission to the City Council via the City Attorney. The proposed amendments will have no fiscal impact. They will not affect any benefits to which present members are entitled. A vote of the SDCERS' membership pursuant to San Diego City Charter Section 143.1 is not required. The Retirement Board anticipates providing a technical corrections ordinance each year. The instant ordinance reflects the recommended technical corrections to the retirement provisions located in the San Diego Municipal Code for 2001.

Lexin/Barnett/LBG

**ADOPTION AGENDA, CONSENT ITEMS**  
**ORDINANCES TO BE INTRODUCED:**

\* ITEM-57: Proposed Revision to the San Diego Municipal Code Regarding Cardrooms.

(See Council Committee Consultant Analysis PS&NS-01-07; City Attorney's 12/5/2001 Report; Draft Ordinance. )

**TODAY'S ACTION IS:**

Introduce the following ordinance:

(O-2002-112)

Introduction of an Ordinance amending Chapter 3, Article 3, Division 39 of the San Diego Municipal Code by amending Section 33.3911, relating to Cardroom Regulations, to allow that all card games that are lawful in the State of California and approved by the Division of Gambling Control of the State Department of Justice shall be allowed to be played in any cardroom within the City's jurisdiction.

**PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S**  
**RECOMMENDATION:**

On 12/5/2001, PS&NS voted 3-0 to amend the Municipal Code to read as follows: Section 33.3911 - Regulations - (b) All card games that are lawful in the State of California and approved by the Division of Gambling Control of the State Department of Justice shall be allowed to be played in any cardroom. (Councilmembers Atkins, Maienschein, and Frye voted yea. Councilmembers Stevens and Inzunza not present.)

**SUPPORTING INFORMATION:**

In 1983 the City Council enacted provisions of the San Diego Municipal Code regulating the operation of card rooms. The San Diego Police Department's Permits & Licensing Unit enforces these regulations. Central to this regulatory scheme were sunset clauses intended to eliminate, over time, all cardrooms operating in the City. The sunset clauses prohibit the transfer of ownership or control of these establishments and mandate that a cardroom license terminate upon the death of the permit holder (San Diego Municipal Code Sections 33.3908 and 33.3909).

This policy has been very successful in attaining this goal. There are presently only two cardrooms operating in the City, the Palomar Club at 2726 El Cajon Boulevard and The Lucky Lady Card Room at 5526 El Cajon Boulevard. Both of these establishments will cease to exist when their present owners discontinue operating for any reason. In addition to limiting the transfer of ownership and control, the Municipal Code places other restrictions on cardrooms, defining the number and names of games that can be played, the permissible number of tables, the number of players per table, etc. These establishments are additionally regulated by the State's Division of Gambling Control, which sets standards for games, tables, and players that are different and slightly broader than the City's ordinance. This gives card rooms outside of the City a competitive advantage over the two remaining San Diego card rooms. For this reason, The Lucky Lady Card Room has requested that the City amend sections of the Municipal Code so that the City's remaining card rooms may offer as many games as are lawful in California and approved by the Division of Gambling Control. These operations are heavily regulated. In addition to the operating permit for the business itself, the ordinance requires that a work permit be obtained from the Chief of Police for all employees of these operations. The State Division of Gambling Control and other agencies additionally regulate the cardrooms. The Cities of Oceanside and Chula Vista have recently enacted similar changes to their municipal codes in order to bring cardroom operations into compliance with State standards.

Russell

**ADOPTION AGENDA, CONSENT ITEMS**  
**RESOLUTIONS:**

- \* ITEM-100: Cancellation of the 9:00 a.m., Wednesday, April 17, 2002, Natural Resources and Culture Committee Meeting.

**NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1140)

Amending the schedule of meetings for the City Council and Standing Committees of the City Council for the period of January 1, 2002 through December 31, 2002 to cancel the Committee on Natural Resources and Culture meeting of Wednesday, April 17, 2002 at 9:00 a.m.; and that the regularly scheduled meeting for the Committee on Land Use and Housing will meet all day

April 17, 2002 at 9:00 a.m. to noon, and 1:00 p.m. to 5:00 p.m.

**ADOPTION AGENDA, CONSENT ITEMS**

**RESOLUTIONS:**

- \* ITEM-101: Cancellation of the 2:00 p.m., Wednesday, May 15, 2002, Land Use and Housing Committee meeting.

**LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1139)

Amending the schedule of meetings for the City Council and Standing Committees of the City Council for the period of January 1, 2002 through December 31, 2002, to cancel the Committee on Land Use and Housing meeting of Wednesday, May 15, 2002 at 2:00 p.m.;

Declaring that the regularly scheduled meeting for the Committee on Natural Resources and Culture will meet all day on May 15, 2002 at 9:00 a.m. to noon, and 2:00 p.m. to 5:00 p.m.

**ADOPTION AGENDA, CONSENT ITEMS**

**RESOLUTIONS:**

- \* ITEM-102: Two actions related to Inviting Bids and Award of Construction Contract for the Construction of Sewer Replacement Group 623B.

(See Memorandum from Frank Belock, Jr., dated 1/9/2002. Barrio Logan Community Area. District-8.)

**TODAY'S ACTIONS ARE:**

Adopt the following resolutions:

Subitem-A: (R-2002-1011)

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Construction of Sewer Replacement Group 623B on Work Order No. 176221;

Authorizing the City Manager to establish contract funding phases and to execute



a contract with the lowest responsible and reliable bidder, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary under established funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$2,344,012, from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K02084C)

Subitem-B: (R-2002-1012)

Certifying that the information contained in Mitigated Negative Declaration LDR-41-0170, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, and that said Declaration reflects the independent judgement of the City as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by Council in connection with the approval of Construction of Sewer Replacement Group 623B;

Declaring that the Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and approving said Mitigated Negative Declaration;

Adopting the Mitigation Monitoring and Reporting Program;

Directing the City Clerk to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

#### **NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:**

On 1/16/2002, NR&C voted 5 to 0 to approve. (Councilmembers Peters, Wear, Frye, Madaffer and Inzunza voted yea.)

#### **CITY MANAGER SUPPORTING INFORMATION:**

Sewer Group 623B is part of the City of San Diego's continuing Annual Sewer Main Replacement Program. The sewer mains being replaced in this project were constructed as early as 1925 and are approaching the end of their useful service life. This project is located in the

Barrio Logan community and consists of replacing approximately 2,270 feet (0.43 miles) of 24-inch, 12-inch, 8-inch, and 6-inch sewer mains. Approximately 1,295 feet of the proposed alignment will be constructed by trenchless technology to minimize traffic impacts. Also, this project includes the construction of four (4) pedestrian ramps and repaving of impacted streets. The streets affected by construction operations within this project are: 32nd Street, Harbor Drive, Thor Street, and Una Street. This project was presented to the Barrio Logan Project Area Committee (PAC) and the United States Navy at several phases of the design by the Engineering and Capital Projects Department and future presentations will be given to the PAC and Navy prior to construction. Residents will be notified by mail at least one (1) month before construction begins by the City's Engineering and Capital Projects Department and again ten (10) days before construction begins by the contractor through hand distribution of notices.

The contractor will be required to provide Traffic Control Plans for the entire project area to the City of San Diego's Traffic Signal Design and Traffic Control Section for approval, with the exception of 32nd Street and Harbor Drive. Traffic control plans for 32nd Street and Harbor Drive have been developed and were approved by the City of San Diego's Traffic Signal Design and Traffic Control Section and will be provided to the contractor as part of the construction plans for Sewer Group 623B.

#### **FISCAL IMPACT:**

Total estimated cost of this project is \$2,344,012; of this amount, \$504,615 is for engineering and related services, \$4,500 for land acquisition services, \$1,666,897 for construction, and \$168,000 for contingencies. Funding of \$2,344,012 will be available in Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, for this purpose. This project will be phase funded for Phase 1 (FY03), \$1,300,814 and Phase 2 (FY03), \$1,043,198.

Loveland/Belock/HR

WWF-02-569.

#### **ADOPTION AGENDA, CONSENT ITEMS**

##### **RESOLUTIONS:**

- \* ITEM-103: Two actions related to Inviting Bids and Award of Construction Contract for Sewer Group 672.

(See Frank Belock Jr.'s 10/9/2001 memo. Uptown Community Area. District-2.)

#### **TODAY'S ACTIONS ARE:**

Adopt the following resolutions:

Subitem-A: (R-2002-1013)

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Construction of Sewer Group Job 672 on Work Order No. 174051;

Authorizing the City Manager to establish contract funding phases and to execute a contract with the lowest responsible bidder;

Authorizing the expenditure of an amount not to exceed \$1,330,693 from Sewer Fund No. 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K02086C)

Subitem-B: (R-2002-1014)

Certifying that Mitigated Negative Declaration LDR-40-1064 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State guidelines; and that the information contained in the report has been reviewed and considered by Council;

Approving Mitigated Negative Declaration LDR-40-1064;

Adopting the Mitigation Monitoring and Reporting Program;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors.

#### **NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:**

On 10/17/2001, NR&C voted 4-0 to approve. (Councilmembers Peters, Frye, Madaffer and Inzunza voted yea. Councilmember Wear not present.)

#### **CITY MANAGER SUPPORTING INFORMATION:**

The purpose of Sewer Group 672 is to rehabilitate the approximately 5,694 feet of sewer main located on the northwest side of West Washington Street between Ingalls Street and San Diego Avenue. Rehabilitation of the sewer collector line is primarily due to the condition and material of the pipes. The sewer line has experienced many stoppages, spills, and several breaks over the years. The existing sewer collector line consists of 6-inch, 8-inch, and 10-inch concrete sewer mains, with a section of the 8-inch mains being vitrified clay pipes.

In addition to improving the sewer mains within the canyon, this project also proposes to relocate a 10-inch concrete sewer main located between Columbia Street and San Diego Avenue along West Washington Street into West Washington Street. This section is presently located within a sewer easement and runs below several structures including a gas station.

Construction for Sewer Group 672 is scheduled to commence in the Summer of 2002. The contractor will be required to provide traffic control plans for the entire project area to the City of San Diego's Traffic Signal Design & Traffic Control Section for approval with the exception of West Washington Street. Traffic control plans for West Washington Street have been developed and were approved by the City of San Diego's Traffic Signal Design & Traffic Control Section and the California Department of Transportation and will be provided to the contractor as part of the construction plans for Sewer Group 672. Working hours for West Washington Street west of India Street are limited from 11:00 p.m. to 7:00 a.m., Sunday through Thursday. Slurry sealing will occur on West Washington Street, westbound only, between India Street and San Diego Avenue.

During design, Project Manager and Project Engineer attended two community meetings and two meetings with the business owners (BID). Project Manager and Project Engineer will attend one additional community meeting, and the Resident Engineer and Contractor will attend one final community meeting.

**FISCAL IMPACT:**

The total estimated cost of this project is \$1,330,693. Funding of \$1,330,693 is available from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement. This project will be phase-funded.

Loveland/Belock/HR

WWF-02-555.

**ADOPTION AGENDA, CONSENT ITEMS  
RESOLUTIONS:**

\* ITEM-104: Rejecting All Bids and Re-advertising and Award of Contract for the Lake Murray Comfort Station.

(Navajo Community Area. District-7.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1016)

Rejecting all bids received on October 3, 2001, pursuant to publication of notice calling for bids on the construction of Lake Murray Comfort Station;

Approving the amended plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the construction of Lake Murray Comfort Station on Work Order No. 294470;

Authorizing the City Manager to execute a contract with the lowest responsible and reliable bidder;

Authorizing the transfer of an amount not to exceed \$23,200 from the Snack Bar Fund No. 10365, Org. No. 2444, Dept. No. 10365; an amount not to exceed \$26,400 from Architect Fee Fund No. 10365, Org. No. 2444, Dept. No. 10365; an amount not to exceed \$125,000 from Navajo DIF Fund 79506; an amount not to exceed \$125,000 from the Mayor's Infrastructure Funds, Fund No. 10529, Org. No. 9000, and an amount not to exceed \$50,000 from Park and Recreation Matching Funds, Dept. No. 30244, Org. No. 105, CIP-20-013.0 to CIP-29-447.0;

Authorizing the increase of an amount not to exceed \$349,600 to FY2002 Capital Improvement Program budget for CIP-29-447.0;

Authorizing the expenditure of an amount not to exceed \$349,600 to augment previously authorized funds from CIP-29-447.0, Lake Murray Comfort Station, for the construction of Lake Murray Comfort Station;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K02020C)

#### **CITY MANAGER SUPPORTING INFORMATION:**

On October 3, 2001, four bids were opened for the construction of the Lake Murray Comfort Station. Of the four bids received, the lowest bidder was declared non-responsive, the next lowest bid of \$420,382 was 47% over the engineer's estimate of \$197,000. However, with the low bid, the original project funding authorization has been exceeded, and additional funding will be necessary.

Staff has worked with the design consultant to identify cost saving bid alternatives, in addition to working with the Council office to identify new funding to augment the previous budget. By re-advertising, staff feels the project may rebid more competitively.

The project is located south of the Golfcrest and Park Ridge on the northwest side of Lake Murray. The proposed project consist of an ADA accessible comfort station with an attached concession stand, and a storage room to serve the park's users which include the San Carlos Little League, Navajo Bobby Sox League, and the Crusader Soccer Club.

**FISCAL IMPACT:**

The estimated total project cost is \$546,600; of this amount, \$197,000. has been previously authorized. The additional \$349,600 is available from Park & Recreation Grant Matching Funds (\$50,000), the Mayor and Navajo DIF Funds (\$125,000 each), Snack Bar Fund (\$23,200) and Architect Fee Funds (\$26,400) respectively.

Loveland/Belock/AO

Aud. Cert. 2200889.

**ADOPTION AGENDA, CONSENT ITEMS  
RESOLUTIONS:**

- \* ITEM-105: Inviting Bids and Award of Construction Contract for La Jolla/Pacific Beach Trunk Sewer - Chelsea Street Relocation.

(See Frank Belock Jr.'s 12/5/2001 memo. La Jolla Community Area. District-1.)

**TODAY'S ACTION IS:**

Adoption of the following resolution:

(R-2002-1010)

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the construction of La Jolla/Pacific Beach Trunk Sewer - Chelsea Street Relocation on Work Order No. 174301;

Authorizing the City Manager to establish contract funding phases and to execute a contract with the lowest responsible bidder;

Authorizing the expenditure of an amount not to exceed \$9,266,791 from Sewer Fund 41506, CIP-46-194.0, Annual Allocation - Trunk Sewer Rehabilitation, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K02082C)

**NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:**

On 12/12/2001, NR&C voted 5-0 to approve. (Councilmembers Peters, Wear, Frye, Madaffer and Inzunza voted yea.)

**CITY MANAGER SUPPORTING INFORMATION:**

The La Jolla/Pacific Beach Trunk Sewer - Chelsea Street Relocation Project will construct approximately 3,846 feet of 21-inch trunk sewer in order to abandon in place approximately 3,016 feet of existing 21-inch trunk sewer, construct approximately 28 feet of 12-inch sewer main, 140 feet of 10-inch sewer main, 297 feet of 6-inch force main, and approximately 4,922 feet of 8-inch sewer main, and replumb approximately 65 laterals to eliminate the existing odor and capacity problems.

The project is located within the La Jolla community area. The proposed trunk sewer and sewer mains are located in La Jolla Boulevard, Chelsea Street, Wrelton Drive, Crystal Drive, and Sea Ridge Drive. Installation of the new trunk sewer will provide the community with a safe reliable sewer infrastructure. Traffic control plans were produced to ensure safety in the area. The City has met with the La Jolla Community Planning Group, the Bird Rock Community, and several residents in the immediate project area, throughout the design of the project. Residents will also be notified by mail at least one month before construction begins by the City's Engineering and Capital Projects Department and again 10 days before construction begins by the Contractor through hand distribution.

**FISCAL IMPACT:**

The total cost of this action is \$9,266,791 of which \$8,416,126 is for construction, \$468,114 is for engineering and \$382,551 is for contingencies. This project is scheduled to be phase-funded over four years, from FY2002 to FY2005. Funding for Phase I (FY2002) is available in Sewer Fund 41506, CIP-46-194.0, Annual Allocation - Trunk Sewer Rehabilitation in the amount of \$160,000 for this purpose.

Loveland/Belock/HR

WWF-02-520.

**ADOPTION AGENDA, CONSENT ITEMS  
RESOLUTIONS:**

- \* ITEM-106: Inviting Bids and Award of Construction Contract for Replacement of Tree Root Damaged Sidewalk and Curb/Gutter City Wide Group C-20.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-845)

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Replacement of Tree Root Damaged Sidewalk and Curb/Gutter City Wide Group C-20;

Authorizing the City Manager to execute a contract with the lowest responsible bidder;

Authorizing the expenditure of an amount not to exceed \$700,000 from Street Division's Operating Fund 10440, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K02059C)

**CITY MANAGER SUPPORTING INFORMATION:**

This action will provide for the replacement of damaged concrete hard scape surfaces in all Council Districts. Specific sidewalk and curb replacement locations are selected from the Street Division's current concrete backlog. Most locations are for the repair of sidewalks which have been damaged by parkway trees. It is projected that 482 locations can be completed by this contract. The projected contract locations are sites which involve sidewalk, curb repairs, and pedestrian ramp installations throughout the city.

**FISCAL IMPACT:**

The cost of this contract is \$700,000. Funds are available in the Street Division's Operating Fund No. 10440.

Loveland/Gonzalez/MMW

Aud. Cert. 2200820.

**ADOPTION AGENDA, CONSENT ITEMS  
RESOLUTIONS:**

\* ITEM-107: Parcel Map W.O. 400100 and Easement Abandonments.

(Sabre Springs Community Area. District-5.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:



(R-2002-1044)

Approving Parcel Map W. O. No. 400100 including the abandonment of unneeded sewer, water, and building restricted easements.

**CITY MANAGER SUPPORTING INFORMATION:**

This parcel map proposes the consolidation of a four-lot, 9.801 acre site into one parcel for residential development. It is located northeasterly of Sabre Springs Parkway and Creekview Drive in the Sabre Springs Community Plan Area. This map requires City Council approval because building restricted, sewer and water easements are being abandoned on the map. The existing building restricted, sewer and water easements granted to the City of San Diego per Map Number 13067 recorded November 17, 1993 are no longer needed in their present locations because the project has been redesigned. Therefore the customer requests that they be abandoned. A new water easement is granted on the map to accommodate the new utility locations, and building restricted areas have been provided for in PRD-92-0296 approved by Planning Commission Resolution No. 1064-PC January 28, 1993. Staff has determined that the revised project is consistent with all previously approved permits. The proposed Creek View South project is estimated to generate approximately 1,056 average daily trips (ADT). Two hundred of these trips are estimated to occur on Interstate 15, which has an estimated near-term plus project volume of 262,200 ADT south of Poway Road. Caltrans plans to widen Interstate 15 and provide two additional lanes by 2004. This multi-family development project was previously approved and is currently under construction with occupancy anticipated by late 2002. The public improvements required for this site were assured with the final map of Creekview South, Parcels 23, 24, 25, 26 and 27 Unit No. 4, Map No. 13067.

**FISCAL IMPACT:**

None.

Ewell/Haase/GRB

**ADOPTION AGENDA, CONSENT ITEMS  
RESOLUTIONS:**

\* ITEM-108: Torrey Highlands Park No. 2.

(Torrey Highlands Subarea IV Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1153)

Authorizing the addition of CIP-29-546.0, Torrey Highlands Neighborhood Park North, to the Fiscal Year 2002 Capital Improvement Program Budget;

Authorizing a \$1,740,000 increase to CIP-29-546.0, Torrey Highlands Neighborhood Park North in Fund 39069, Torrey Highlands Planned Urbanizing Development Impact Fees;

Authorizing the City Manager to purchase the needed property rights;

Authorizing the appropriation and expenditure of an amount not to exceed \$1,740,000 from CIP-29-546.0, Fund No. 39069, for the acquisition of property rights, reimbursement of cost of the site improvements, labor, title, escrow and miscellaneous costs;

Stating for the record that the final Mitigated Negative Declaration LDR-98-0250, certified by Resolution R-292177 on August 26, 1999, has been reviewed and considered prior to approving the project and directing the City Clerk to file a Notice of Determination.

**CITY MANAGER SUPPORTING INFORMATION:**

The purchase of this property for the Torrey Highlands Park No. 2 and the payment of the development costs is a requirement of Condition No. 46 of Tentative Map No. 98-0250 and the Park Development Agreement between the City and D. R. Horton Holding Company, Inc. The size of the park is 3.68 acres and has been graded by the developer as required by the Park Development Agreement.

**FISCAL IMPACT:**

\$1,740,000 is available in CIP-29-546.0, Fund No. 39069.

Herring/Griffith/RAS

Aud. Cert. 2200869.

**ADOPTION AGENDA, CONSENT ITEMS**

**RESOLUTIONS:**

\* ITEM-109: San Diego Spectrum Maintenance Assessment District.

(#38 Serra Mesa-Kearny Mesa Community Area. District-6.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1161)

Dissolving the San Diego Spectrum Maintenance Assessment District;

Directing the City Auditor and Comptroller to close the San Diego Spectrum Maintenance Assessment District Fund [Fund] (70257 Fund);

Directing the City Manager and the City Auditor and Comptroller to refund to the property owners of the District all monies within the Fund, including interest earnings, less administration expenditures associated with the dissolution of the District.

**CITY MANAGER SUPPORTING INFORMATION:**

San Diego Spectrum Maintenance Assessment District (District) is located on 185 acres of the former General Dynamics property between Balboa Avenue and Clairemont Mesa Boulevard and between State Route 163 and Ruffin Road. In Fiscal Year 2000 the property owners formed a District to provide maintenance of landscaped medians, paved medians, landscaped parkways, hardscape features (sidewalks, curbs, gutters, etc.) and detention basin areas. Before the maintenance by the District was initiated, the San Diego Spectrum Owner's Association (Owner's Association) indicated that it preferred to have the Owner's Association maintain the assets. As a result, the District was assessed in FY 2001, but not in FY 2002. The District never maintained the assets. Maintenance has been performed by the Owner's Association. In August 2001, the Owner's Association submitted to the City a request for District dissolution signed by property owners representing 90.6% of the District's total assessment amount. Today's action will formally dissolve the District. Today's action will also authorize a refund to the property owners of money remaining in the San Diego Spectrum Maintenance Assessment District Fund #70257, less approximately \$2,000 in administrative costs associated with the District dissolution, which will be transferred to the Maintenance Assessment District Management Fund #70208.

**FISCAL IMPACT:**

None to the General Fund.

Herring/Williams/SY

**ADOPTION AGENDA, CONSENT ITEMS  
RESOLUTIONS:**

\* ITEM-110: Acceptance of FEMA Grant Funding for the Family Shelter Program.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1089)

Authorizing the City Manager to accept a grant from the Federal Emergency Management Agency (FEMA) for the Family Shelter Program.

**CITY MANAGER SUPPORTING INFORMATION:**

The San Diego County Emergency Food and Shelter Program Board awarded the City of San Diego \$14,910 in Federal Emergency Management Agency (FEMA) funds. These funds will pay for the costs associated with operating the Family Shelter Program.

**FISCAL IMPACT:**

The San Diego County Emergency Food and Shelter Program Board awarded the City of San Diego \$14,910 in FEMA grant funds to operate the Family Shelter Program.

Herring/Cunningham/RT

**ADOPTION AGENDA, CONSENT ITEMS**

**RESOLUTIONS:**

- \* ITEM-111: Acceptance of the State of California Hazardous Materials Emergency Planning (HMEP) Grant.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1146)

Authorizing the City Manager or his designee to accept and expend \$15,000 Grant funds from the State of California Office of Emergency Services for the Hazardous Materials Emergency Planning Grant Project;

Authorizing the City Manager or his designee to conduct all negotiations, execute and submit all documents, including but not limited to applications, Grant agreements, amendments, payment request(s), which may be necessary to carry out and administer the City's obligations, responsibilities, and duties, as more particularly described in the 2001-2002 HMEP Grant Deed May 23, 2001.

**CITY MANAGER SUPPORTING INFORMATION:**

The Governor's Office of Emergency Services awarded the City of San Diego's Fire and Life Safety Services \$15,000 to help cover the labor cost to develop, improve, and implement emergency plans under the Emergency Planning and Community Right-to-Know Act of 1986

(EPCRA) as well as determine the need for regional hazardous materials emergency response teams.

**FISCAL IMPACT:**

The City will receive and expend a \$15,000 grant from the State's Office of Emergency Services.

Ewell/DT

**ADOPTION AGENDA, CONSENT ITEMS  
RESOLUTIONS:**

- \* ITEM-112: CA Integrated Waste Management Board (CIWMB) Grants and Related Agreements for FY 2003 through FY 2005.

(See City Manager Report CMR-02-048.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1145)

Authorizing the City Manager to apply for and accept California Integrated Waste Management Board (CIWMB) Used Oil Recycling Block Grants and other CIWMB oil and household hazardous waste grants and augmented award for FY 2003 through 2005;

Designating the Deputy Environmental Services Director as the person authorized to sign all CIWMB Used Oil Recycling Block Grant and other CIWMB oil and household hazardous waste grant-related documents and agreements on behalf of the City;

Contingent upon approval of the FY 2003 through FY 2007 budgets, and upon the award of grant funding for the corresponding fiscal years, continue staffing to implement and administer CIWMB approved grant activities and agreements.

**ADOPTION AGENDA, CONSENT ITEMS  
RESOLUTIONS:**

- \* ITEM-113: Award of \$42,700 in Grant Funds from the State of California Department of Justice for the Barrier Free Justice Task Force.

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1071)

Authorizing the City Attorney to apply for, accept and expend a \$42,700 Outreach and Education to Unserved/Under Served Populations through Partnering with Local Community Agencies and Groups Grant, from the State of California Department of Justice, for the Barrier Free Justice Project;

Declaring that the City agrees to hold the Department of Justice and the State of California harmless from any liability arising out of the performance of the grant agreement, including court actions or damages.

### **SUPPORTING INFORMATION:**

The City Attorney's Office requested support for the San Diego Domestic Violence Justice Center's Barrier Free Justice Project. This program will serve women with disabilities who are victims of sexual assault and/or domestic violence. This project will begin by the formation of a task force comprised of domestic violence professionals including representatives from criminal justice and victim advocacy agencies, disabled community members and key staff, from agencies that serve various disabled populations. At least half of the task force will be made up of individuals representing a broad range of disabilities.

The Barrier Free Justice Task Force will work together to develop and disseminate a City-wide needs assessment to determine how to identify, prevent and respond to domestic violence and sexual assaults within the disabled community, as well as to identify and provide access to appropriate supportive services. Our strategies will include education and training for criminal justice professionals on respectful, emphatic attitudes when working with disabled persons and training for front line staff who work with disabled persons on how to recognize signs of an abusive situation and provide resources for referrals, appropriate resources and services.

The goals of the Barrier Free Justice Project are to:

1. Form a representational task force on domestic violence and sexual assault response for women with disabilities;
2. Develop a needs assessment to address domestic violence and sexual assault response for women with disabilities;
3. Establish protocols for appropriate response to domestic violence and sexual assault of disabled victims;
4. Disseminate the protocol through the training of criminal justice and disabled serving professionals including the police; and
5. Preparation of a final report on best practices and protocol.

The expected outcomes of this project are to increase awareness of domestic violence/sexual assault crimes against disabled women and the establishment of a coordinated, targeted response to meet the needs of the victim from intervention through resolution including full access to all needed services.

Swett

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- \* ITEM-114: Coastal Conservancy Southern California Wetlands Recovery Project Small Grants Program.

(Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1115)

Authorizing the City Manager to apply to the Coastal Conservancy Southern California Wetlands Recovery Project Small Grants Program for the Grant for the Lopez Canyon project;

Authorizing the City Manager to conduct all negotiations, execute and submit all documents necessary for the completion of the project;

Authorizing the City Manager to accept the Grant if it is secured;

Authorizing the City Auditor and Comptroller to establish a special interest-bearing fund for the Grant;

Authorizing the City Auditor and Comptroller to appropriate and expend the Grant funds if the Grant is secured.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego is requesting consideration of the following proposal under the Coastal Conservancy Southern California Wetlands Recovery Project (WRP) Small Grants Program. Each year, the WRP solicits proposals for coastal wetlands and coastal watershed projects in Southern California to be considered for the WRP Work Plan. These projects include acquisition, restoration, enhancement, and planning projects.

**Lopez Canyon Streambed Restoration and Protection Project:** The City of San Diego is establishing a series of hydrologic structures to address erosion and sedimentation issues within Lopez Canyon (Mira Mesa) under an existing grant funded by the State of California. This requested grant from the Coastal Conservancy would fund a project coordinator for the Lopez Canyon restoration efforts. The project coordinator would handle all permitting, volunteer coordination, and public education tasks associated with

implementing the restoration efforts. (Grant Request: \$20,000)

**FISCAL IMPACT:**

If the grant is awarded to the City, a total of \$20,000 would be received from the Coastal Conservancy. City matching in-kind services would total \$183,293 consisting of work already approved under a previous State Natural Communities Conservation Program grant (City Council Resolution R-294299)

Ewell/Goldberg/HC

**ADOPTION AGENDA, CONSENT ITEMS**

**RESOLUTIONS:**

- \* ITEM-115: 2000 State Park Bond Per Capita and Roberti-Z'berg-Harris Per Capita Funding - Balboa Park Organ Pavilion-Organ Repair Project.

(Balboa Park Community Area. District-3.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1090)

Authorizing the application for and expenditure of State grant funds for the Balboa Park Organ Pavilion-Organ Repair Project.

**CITY MANAGER SUPPORTING INFORMATION:**

In March 2000, California voters approved the "Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Act of 2000" (Park Bond). The Per Capita and Roberti-Z'berg-Harris Per Capita Park Bond funding component of the Park Bond is based on State Department of Finance population figures as of January 1, 2000. After the State's administrative costs of 5.35%, the City of San Diego's allocation for Per Capita is \$8,216,000 and Roberti-Z'berg-Harris is \$5,936,697.

This action will allocate \$100,000 from the City's Per Capita allocation to the Balboa Park Organ Pavilion-Organ Repair project. This project provides for the repair of the Balboa Park Organ Pavilion pipe organ. The organ is deteriorating and is in urgent need of major repairs.

**FISCAL IMPACT:**

Funds in the amount of \$100,000 are available in the City of San Diego's Park Bond Per Capita funding allocation, Fund 38180, Balboa Park Organ Pavilion-Organ Repairs.



Herring/CH

**ADOPTION AGENDA, CONSENT ITEMS**

**RESOLUTIONS:**

\* ITEM-116: Funding for Two Bicycle Projects.

(Mission Valley Community Area. District-6.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1069)

Authorizing the transfer of \$41,000 from CIP-58-144.0 (Mission Trails Regional Park to Mission Bay Bike Path) to CIP-58-142.0 (San Diego River Bicycle Path, Camino De La Reina Segment) within Fund 30219, Gas Tax Fund;

Authorizing the City Auditor and Comptroller to appropriate and expend a total of \$41,000 in CIP-58-142.0 (San Diego River Bicycle Path, Camino De La Reina Segment), Fund 30219, for the construction of a Class I bike path;

Authorizing the transfer of \$150,000 from CIP-58-144.0 (Mission Trails Regional Park to Mission Bay Bike Path) to CIP-58-156.0 (Ocean Beach/ Hotel Circle North Bikeway Design) within Fund 30219, Gas Tax Fund;

Authorizing the Auditor and Comptroller to appropriate and expend a total of \$150,000 in CIP-58-156.0 (Ocean Beach/Hotel Circle North Bikeway Design), Fund 30219, for the design of a Class I bike path.

**CITY MANAGER SUPPORTING INFORMATION:**

This action will authorize the transfer of \$41,000 from Mission Trails Regional Park to Mission Bay Bike Path (CIP-58-144.0) to Camino De La Reina Bikeway (CIP-58-142.0) and the appropriation and expenditure of these funds for the construction of the Camino De La Reina Bikeway. It will also authorize the transfer of \$150,000 from Mission Trails Regional Park to Mission Bay Bike Path (CIP-58-144.0) to Ocean Beach/Hotel Circle North Bikeway Design (CIP-58-156.0) and the appropriation and expenditure of these funds for the design of this bike path.

The Camino De La Reina Bikeway consists of a Class I bike path under State Route 163 to connect the western terminus of the existing San Diego River Bike Path to Camino De La Reina at Avenida Del Rio. This project has been designed and is in need of additional funding for construction.

The Ocean Beach/Hotel Circle North Bikeway Design is a Class I bike path along the south side of the San Diego River. This path will connect the existing Ocean Beach Bike Path terminating at Pacific Highway to Hotel Circle north. Another \$150,000 in Local Transportation Fund money has already been appropriated for the design of this project.

**FISCAL IMPACT:**

Appropriation and expenditure of \$191,000 in Gas Tax Funds (Fund 30219).

Loveland/Gonzalez/AH

Aud. Cert. 2200795.

**ADOPTION AGENDA, CONSENT ITEMS  
RESOLUTIONS:**

\* ITEM-117: Archaeological Monitoring for Various Undergrounding Utility Projects.

(La Jolla, Peninsula, Greater Golden Hill, Barrio Logan, Centre City, Southeastern San Diego and Otay Mesa/Nestor Community Areas. Districts-1, 2, 4 and 8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1129 Cor. Copy)

Authorizing the City Auditor and Comptroller to open Fund No. 78174 for the purpose of depositing Public Utilities Commission Case 8209 Utility Undergrounding Allocation Funds for the Archaeological Monitoring for Silverado Street from Eads Avenue to Ivanhoe Avenue; the 900 block of Scott Street; 25<sup>th</sup> Street from Market Street to Commercial Avenue; CCDC Area 3 Phase 1, Job 2; B Street (19<sup>th</sup> Street to 30<sup>th</sup> Street); Saturn Boulevard from Coronado Avenue to Leon Street Underground Utility Districts;

Authorizing the City Treasurer to receive these funds from the San Diego Gas & Electric Company;

Authorizing the City Manager to execute Archaeological Monitoring Agreement(s) for Silverado Street from Eads Avenue to Ivanhoe Avenue; the 900 block of Scott Street; 25<sup>th</sup> Street from Market Street to Commercial Avenue; CCDC Area 3 Phase 1, Job 2; B Street (19<sup>th</sup> Street to 30<sup>th</sup> Street); Saturn Boulevard from Coronado Avenue to Leon Street Underground Utility Districts, in an amount not to exceed \$150,000;

Authorizing the expenditure of an amount not to exceed \$150,000 from Fund No. 78174, for the purpose of archaeological monitoring for Silverado Street from Eads Avenue to Ivanhoe Avenue; the 900 block of Scott Street; 25<sup>th</sup> Street from Market Street to Commercial Avenue; CCDC Area 3 Phase 1, Job 2; B Street (19<sup>th</sup> Street to 30<sup>th</sup> Street); Saturn Boulevard from Coronado Avenue to Leon Street Underground Utility Districts;

Authorizing the City Auditor and Comptroller to return to San Diego Gas & Electric Company any undisbursed funds upon written notice from San Diego Gas & Electric Company to the City that all electric service conversions for Silverado Street from Eads Avenue to Ivanhoe Avenue; the 900 block of Scott Street; 25<sup>th</sup> Street from Market Street to Commercial Avenue; CCDC Area 3 Phase 1, Job 2; B Street (19<sup>th</sup> Street to 30<sup>th</sup> Street); Saturn Boulevard from Coronado Avenue to Leon Street Underground Utility Districts have been completed.

**CITY MANAGER SUPPORTING INFORMATION:**

As part of the City's Underground Utility Program, Land Development Review LDR-40-0606 recognizes Silverado Street from Eads Avenue to Ivanhoe Avenue, the 900 block of Scott Street, Saturn Boulevard from Coronado Avenue to Leon Street, 25<sup>th</sup> Street From Market Street to Commercial Avenue, CCDC Area 3 Phase 1, Job 2, Saturn Boulevard from Coronado Avenue to Leon Street and "B" Street (19<sup>th</sup> Street to 30<sup>th</sup> Street) Underground Utility Districts as having significant impacts to archaeological resources. The estimated total cost for all projects for Archaeological Monitoring is \$150,000. The Consultant will be determined later on a job by job basis. The Auditor and Comptroller will set up an account for the money to be received and deposited from the Public Utilities Commission Case 8209 Utility Underground Allocation funds for the archaeological monitoring.

**FISCAL IMPACT:**

The Archaeological Monitoring estimated cost of \$150,000 will be financed through the use of SDG&E Annual Allocation Funds as directed by the Public Utilities Commission (Case 8209).

Loveland/Belock/PB

**ADOPTION AGENDA, CONSENT ITEMS  
RESOLUTIONS:**

\* ITEM-118: Sherman Heights Lighting Program.

(Southeastern San Diego, Otay Mesa and Otay Mesa/Nestor Community Areas.  
District-8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1179)

Authorizing the transfer, appropriation and expenditure of \$425,000 of Community Development Block Grant (CDBG) funding from District 8-Lighting Project, Job Order Number 00001, Fund number 18537, to CIP-35-087.0, Otay Mesa/Nestor Branch Library;

Authorizing the \$425,000 increase in CIP-35-087.0, Otay Mesa/Nestor Branch Library Expansion, in CDBG Fund 18537;

Amending the Fiscal Year 2002 Capital Improvements Program to add CIP-61-200.0, Sherman Heights Lighting Program;

Authorizing the transfer, appropriation and expenditure of \$425,000 in TransNet funds (\$175,000 from CIP-52-701.0, Sherman Heights Street and Sidewalk Improvements; \$160,000 from CIP-52-702.0, Nestor Street and Sidewalk Improvements; and \$90,000 from CIP-52-553.0, Saturn Boulevard - Palm Avenue to Coronado Avenue) to CIP-61-200.0, Sherman Heights Lighting Project, provided that the City Auditor and Comptroller first furnishes a certificate of funds being available;

Authorizing the transfer, appropriation and expenditure of \$20,000 of TransNet funding from CIP-52-701.0, Sherman Heights Street and Sidewalk Improvements, to CIP-39-236.0, 25<sup>th</sup> Street Walkable Community Demonstration Project, provided that the City Auditor and Comptroller first furnishes a certificate of funds being available;

Authorizing the expenditure of \$5,000 of TransNet funding from CIP-52-553.0, Saturn Boulevard - Palm Avenue to Coronado Avenue, Fund Number 30306 for the Logan Heights Tree Program, contingent upon the Auditor and Comptroller certifying that funds are available;

Authorizing the City Auditor and Comptroller, upon direction of the City Manager, to reallocate the funding sources between TransNet and Commercial Paper funded projects as may be appropriate to maximize the use of TransNet Cash and reduce the use of Commercial Paper funding for CIP-61-200.0, Sherman Heights Lighting Program, CIP-52-553.0, Saturn Boulevard - Palm Avenue to Coronado Avenue, and CIP-39-236.0, 25<sup>th</sup> Street Walkable Community Demonstration Project;

Amending the Fiscal Year 2002 Capital Improvements Program to cancel CIP-52-701.0, Sherman Heights Street and Sidewalk Improvements, and CIP-52-702.0, Nestor Street and Sidewalk Improvements.

## **CITY MANAGER SUPPORTING INFORMATION:**

Council action is requested to transfer funds between various projects to appropriate the necessary funding for the Otay Mesa/Nestor Branch Library, the 25<sup>th</sup> Street Walkable Communities Demonstration Project and the Logan Heights Tree Program.

The Otay Mesa/Nestor Branch Library project provides for a 5,000-square-foot expansion to the existing 10,000 square-foot facility. This action will provide the majority of the needed funding, currently unidentified, for this project. The 25<sup>th</sup> Street Walkable Communities Demonstration Project provides for a buffer between the pedestrians and the automobiles and to implement traffic calming measures at each end of the State Route 94 overpass for a safe and pleasant walking experience for area children and their families. This action will provide the funding necessary for construction of corner pop-outs at the intersection of 25<sup>th</sup> and G Streets (West Side) and for textured (stamped concrete) intersections at both 25<sup>th</sup> and G Streets. The Logan Heights Tree Program will provide for planting trees within the Logan Heights community as a part of the community beautification program.

## **FISCAL IMPACT:**

TransNet Commercial Paper funding in the amount of \$450,000 is available in CIP-52-701.0, Sherman Heights Street and Sidewalk Improvements; CIP-52-702.0, Nestor Street and Sidewalk Improvements; and CIP-52-553.0, Saturn Boulevard - Palm Avenue to Coronado Avenue to be transferred to other projects. Council District 8 Community Development Block Grant funding in the amount of \$425,000 will be reallocated to CIP-35-087.0, Otay Mesa Branch Library, and a like amount of TransNet Commercial Paper will be allocated in its place to CIP-61-200.0, Sherman Heights Street Lighting. The remaining \$25,000 will be allocated to CIP-39-236.0, 25<sup>th</sup> Street Walkable Community Demonstration Project (\$20,000) and to Logan Heights Tree Program (\$5,000 within CIP-52-553.0, Saturn Boulevard - Palm Avenue to Coronado Avenue). With this action, it is anticipated that an issuance of TransNet Commercial Paper (consistent with the Fiscal Year 2002 Annual Budget) may be required for expenditures related to other TransNet-funded projects during Fiscal Year 2002. This action will remove CIP-52-701.0, Sherman Heights Street and Sidewalk Improvements and CIP-52-702.0, Nestor Street and Sidewalk Improvements from the Fiscal Year 2002 Capital Improvements Program and reduce the appropriation for CIP-52-553.0, Saturn Boulevard Palm Avenue to Coronado Avenue by \$90,000.

Loveland/Gonzalez/AH

Aud. Cert. 2200891.

## **ADOPTION AGENDA, CONSENT ITEMS RESOLUTIONS:**

\* ITEM-119: Proposed Expansion of Metro Enterprise Zone and South Bay Enterprise Zone.

(See City Manager Report CMR-02-050. Southeastern San Diego, Mountain View and Otay Mesa Community Planning Areas. Districts-4 and 8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1182)

Directing the City Manager to file documents with California Technology, Trade and Commerce Agency to expand the Metropolitan Enterprise Zone and the South Bay Enterprise Zone;

Authorizing the City Manager to take actions necessary to expand the Metropolitan Enterprise Zone to include the "Imperial Marketplace," a 45-acre site bounded by Imperial Avenue on the north, Oceanview Boulevard on the south, Marketplace Avenue on the east, and San Pasqual Street on the west;

Authorizing the City Manager to take actions necessary to expand the South Bay Enterprise Zone to include the "Palm Promenade," a 42-acre site bounded by Highway 805, Dennery Road, Palm Avenue, and the residential development to the south;

Declaring that Council finds that the Metropolitan Enterprise Zone and the South Bay Enterprise Zone, as expanded, are in areas with high unemployment and limited employment opportunities for area residents, and that designation of these areas as Enterprise Zones is necessary to the creation of jobs by private enterprise;

Authorizing the City Manager to: expedite the necessary development plan and permit processing, and building permit issuance for commercial and industrial projects within the Enterprise Zones; and waive the requirement to pay into the San Diego Housing Trust Fund pursuant to an approved Economic Development Incentive Agreement.

**ADOPTION AGENDA, CONSENT ITEMS  
RESOLUTIONS:**

\* ITEM-120: Appointments to the City Public Utilities Advisory Commission.

(See memorandum from Mayor Murphy dated 3/1/2002 with resumes attached.)

**MAYOR MURPHY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1158)

Council confirmation of the following appointments by the Mayor to serve as members of the City Public Utilities Advisory Commission, for terms ending as indicated:

Terms Expiring January 1, 2006

Deborah L. Huffman, Chair  
Charles R. Spinks - Vice Chair  
Glen Schmidt  
Robert B. Coffin  
Joseph D. Panetta  
James Peugh

Terms Expiring January 1, 2004

Lisa Briggs  
Scott Chadwick  
David Gomez  
Clarissa Bernal Reyes  
Joseph Parker (City's Representative on County Water Authority Board)

ADOPTION AGENDA, CONSENT ITEMS  
RESOLUTIONS:

\* ITEM-121: Mira Mesa Relay for Life Weekend.

**COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1124)

Recognizing the outstanding contributions the American Cancer Society has made to strengthen families and improve lives of all San Diegans and proclaiming March 16 and 17, 2002 to be "Mira Mesa Relay for Life Weekend" in San Diego.

**SUPPORTING INFORMATION:**

The Mira Mesa Relay For Life will be held on March 16 and 17, 2002 at the Mira Mesa Community Park. The Mira Mesa Relay For Life is sponsored by the American Cancer Society. At the Mira Mesa Relay for Life, the idea is to have fun while raising money to fight cancer in the community. Mira Mesa Relay for Life brings together friends, family, businesses, hospitals, schools, churches and people from all walks of life. And, at the same time, Mira Mesa Relay

will honor the courageous spirit of those battling cancer. Mira Mesa Relay For Life Team members seek sponsorship prior to the Mira Mesa Relay from friends, relatives, employers, and associates, all with the goal of supporting a cure for cancer. If you're a cancer survivor, you won't want to miss the cancer survivors' lap which opens Mira Mesa Relay For Life. Cancer survivors walk the initial lap, the first of many before we reach the finish line. This lap symbolizes the courage survivors and their families display and sustain in their lives. The American Cancer Society's goal is to eliminate cancer. Therefore, proclaiming Saturday and Sunday, March 16 and 17, 2002 as "Mira Mesa Relay For Life Weekend" in San Diego to urge San Diegans to support the exemplary efforts of the American Cancer Society.

Maienschein/NB

**ADOPTION AGENDA, CONSENT ITEMS**  
**RESOLUTIONS:**

- \* ITEM-122: Sweetwater Union High School District New Teacher Assistance Program Day.

(District-8.)

**COUNCILMEMBER INZUNZA'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1039)

Recognizing and appreciating the hard work and dedication of all teachers, and proclaiming February 8, 2002 as "Sweetwater Union High School District New Teacher Assistance Program Day" in the City of San Diego.

**ADOPTION AGENDA, CONSENT ITEMS**  
**RESOLUTIONS:**

- \* ITEM-123: Excusing Deputy Mayor Stevens from the Rules Committee and Public Safety and Neighborhood Services Committee Meetings of February 27, 2002.

**DEPUTY MAYOR STEVENS' RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1125)

Excusing Deputy Mayor George Stevens from attending the following regularly scheduled meetings of February 27, 2002, due to personal business:



1. Committee on Rules, Finance, and Intergovernmental Relations
2. Committee on Public Safety and Neighborhood Services

**ADOPTION AGENDA, CONSENT ITEMS**  
**RESOLUTIONS:**

- \* ITEM-124: Excusing Councilmember Madaffer from City Council Meetings of March 18 and 19, 2002 and the Committee on Rules of March 20, 2002.

**COUNCILMEMBER MADAFFER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1159)

Excusing Councilmember Jim Madaffer from attending the regularly scheduled meetings, due to his attendance to other City business:

- 1 - Council Meetings on March 18 and 19, 2002.
- 2 - Committee on Rules, Finance and Intergovernmental Relations of March 20, 2002.

**ADOPTION AGENDA, CONSENT ITEMS**  
**RESOLUTIONS:**

- \* ITEM-125: Installation of Angle Parking and One Way Conversion for Seventh Avenue, Eighth Avenue, and Ninth Avenue between Ash Street and Date Street.

(Centre City Community Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1103)

Approving angle parking on both sides of 7<sup>th</sup> Avenue and 8<sup>th</sup> Avenue between Ash Street and Date Street, and on 9<sup>th</sup> Avenue between Cedar Street and Date Street, pursuant to the San Diego Municipal Code Section 86.03;

Converting 7<sup>th</sup> Avenue to a one-way street, northbound, between Ash Street and Date Street, pursuant to San Diego Municipal Code Section 82.19;

Converting 8<sup>th</sup> Avenue to a one-way street, southbound, between Ash Street and Date Street, pursuant to San Diego Municipal Code Section 82.19;

Converting 9<sup>th</sup> Avenue to a one-way street, northbound, between Beech Street and Date Street, pursuant to San Diego Municipal Code Section 82.19;

Authorizing the installation of the necessary signs and markings; the regulations imposed shall become effective upon the installation of the signs.

**CITY MANAGER SUPPORTING INFORMATION:**

The Centre City Development Corporation (CCDC) in coordination with residents of the "Cortez Hill" area of the Downtown are proposing the following changes in "Cortez Hill":

1. - Permit angle parking on both sides of Seventh Avenue and Eighth Avenue between Ash Street and Date Street, and on Ninth Avenue, between Cedar Street, and Date Street. Council approval for installation of angle parking is required, according to San Diego Municipal Code Section 86.03
2. - Convert Seventh Avenue to a one-way Street, northbound operation (between Ash Street and Date Street).
3. - Convert Eighth Avenue to a one-way Street, southbound (between Date Street and Ash Street).
4. - Convert Ninth Avenue to a one-way Street, northbound (between Beech Street and Date Street).

Council approval is required for designating a one-way street or alley, according to San Diego Municipal Code Section 82.19.

The proposed circulation pattern is consistent with the circulation in the rest of the Downtown. The proposed circulation plan increases on street parking and insures that access to businesses and properties is not adversely affected. Centre City Development Corporation staff have conducted meetings with the "Cortez Hill" community to review the proposed plan, and CCDC reports that the "Cortez Hill" community supports the proposed circulation changes.

The Circulation Plan was presented to the CCDC Board of Directors, the Budget/ Finance/ Administration Committee of the CCDC Board, and the Centre City Project Area Committee. There was no opposition at any of the meetings and the plan was approved by the Committees and the CCDC Board of Directors.

The City Manager recommends approval of this action.

**FISCAL IMPACT:**

None. CCDC will be responsible for implementing these changes.

Loveland/Gonzalez/AH

**ADOPTION AGENDA, CONSENT ITEMS  
RESOLUTIONS:**

- \* ITEM-126: Temporary Street Closure of Certain Streets, pursuant to Vehicle Code Section 21101.4.

(See Memorandum from Casey Gwinn, City Attorney dated 3/8/2002. Mira Mesa Community Area. District-5.)

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1144)

Declaring that the City Council finds and determines as follows, in accordance with San Diego Municipal Code Sections 52.5101 et seq., and intends to temporarily close certain streets pursuant to the Vehicle Code Section 21101.4:

Continuation of the temporary street closure will assist in preventing the occurrence or reoccurrence of the serious and continual criminal activity found to exist in October 2000 when the City Council authorized the temporary closure of 9100 to 9400 Trade Place in the City of San Diego on weekends between the hours of 9:00 p.m. Friday night and 5:00 a.m. Saturday morning, 9:00 p.m. Saturday night and 5:00 a.m. Sunday morning, and 9:00 p.m. Sunday night and 4:00 a.m. Monday morning;

That 9100 to 9400 Trade Place has not been designated as a through highway or arterial street, based on the Mira Mesa Community Plan, approved by the San Diego City Council, on October 6, 1992. Furthermore, 9100 to 9400 Trade Place is a business and industrial area, with no residences in the vicinity. Between the hours of the temporary closure, there is no, or very limited, business activity occurring in the area of 9100 to 9400 Trade Place; therefore, the City Council finds and determines that 9100 to 9400 Trade Place is not a through highway or arterial street during these hours;

That vehicular or pedestrian traffic on the highway contributes to the criminal activity;

The temporary closure approved in October 2000 has not substantially adversely affected traffic flow, safety on the adjacent streets or in the surrounding

neighborhoods, the operation of emergency vehicles, the performance of municipal or public utility services, or the delivery of freight by commercial vehicles in the area of the highway that was temporarily closed;

That Trade Place will now be temporarily closed for an 18-month period, subject to additional extensions, between the hours of 9:00 p.m. Friday night and 5:00 a.m. Saturday morning, 9:00 p.m. Saturday night and 5:00 a.m. Sunday morning, and 9:00 p.m. Sunday night and 4:00 a.m. Monday morning.

This temporary street closure shall not apply to emergency or law enforcement personnel in emergency or law enforcement vehicles; City, County, or State employees in government vehicles acting within the scope of their official duties; commercial vehicles making deliveries to and from commercial properties adjacent to the designated streets; and individuals employed by businesses adjacent to the designated streets and showing identification upon request by law enforcement personnel.

#### **ADOPTION AGENDA, CONSENT ITEMS**

##### **RESOLUTIONS:**

- \* ITEM-127: Reimbursement Agreement with Black Mountain Ranch Limited Partnership for the Construction of Various Improvements in Conjunction with Development in the Black Mountain Ranch Community.

(Black Mountain Ranch Community Area. District-1.)

#### **CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-978)

Authorizing the City Manager to execute a reimbursement agreement with Black Mountain Ranch Limited Partnership, for the construction of various public improvements in conjunction with development in the Black Mountain Ranch Community;

Amending the FY2002 Capital Improvements Program Budget by adding CIP-52-401.0, Camino Ruiz, Camino del Norte to San Dieguito Road - Street Improvements; CIP-52-402.0, Camino Ruiz, Camino del Norte to San Dieguito Road - Wildlife Crossing; CIP-52-403.0 Camino Ruiz, San Dieguito Road to Carmel Valley Road - Street Improvements; and CIP-52-404.0 Camino Ruiz, San Dieguito Road to Carmel Valley Road - Wildlife Crossing Improvements;

Authorizing the City Auditor and Comptroller to appropriate and reimburse an amount not to exceed \$18,000,000 from Fund 79012 for the following projects: \$8,000,000 for CIP-52-401.0, \$3,000,000 for CIP-52-402.0, \$4,000,000 for CIP-52-403.0, and \$3,000,000 for CIP-52-404.0;

Directing the City Manager to process amendments to the FY1998 Black Mountain Ranch Public Facilities Financing for purposes of reimbursing Black Mountain Ranch Limited Partnership. The amendments are: Project No. T-5, Camino Ruiz (Camino del Norte to San Dieguito Road) increasing the total project costs to \$8,000,000, with \$3,900,000 in FY2003, \$692,000 in FY2004, \$933,000 in FY2005, \$1,210,000 in FY2006, and \$1,265,000 in FY2007; Project T-7 Camino Ruiz Wildlife Crossing (Camino del Norte to San Dieguito Road) increasing total costs to \$3,000,000, with \$41,000 in FY2007, \$1,411,000 in FY2008, and \$1,548,000 in FY2009; T-10 Camino Ruiz Widening (San Dieguito Road to Carmel Valley Road), increasing total costs to \$4,000,000 with \$2,300,000 in FY2002, \$1,700,000 in FY2003; and T-12 Camino Ruiz South Wildlife Crossing, increasing total costs to \$3,000,000, with \$16,000 in FY2009, \$1,645,000 in FY2010, and \$1,339,000 in FY2011.

#### **CITY MANAGER SUPPORTING INFORMATION:**

Black Mountain Ranch Limited Partnership (Developer) is the majority property owner of certain real property located in the City and County of San Diego, State of California, as depicted on four different vesting tentative maps. These vesting tentative maps include: Black Mountain Ranch South Village (260DU), VTM-99-1161, Resolution R-293133 of May 16, 2000; Black Mountain Ranch West Clusters (70DU), VTM-40-0529, Resolution R-295030 of June 19, 2001; Black Mountain Ranch East Clusters (138DU), VTM-99-1054, Resolution R-295026 of June 19, 2001; and the proposed Black Mountain Ranch North Cluster (59DU), VTM-40-0611 (Proposed). The approvals granted by City Council require that the Developer advance substantial infrastructure improvements to service the Black Mountain Ranch Community and adjacent areas. Many of these improvements are also required by the current Transportation Phasing Plan, which was incorporated as part of the Public Facilities Financing Plan, approved by City Council on September 29, 1998 by Resolution R-290768. The projects constructed by Developer have been determined to benefit Black Mountain Ranch as a whole, as well as surrounding communities. Therefore Developer is entitled to reimbursement. The facilities being provided would be in lieu of paying FBA assessments.

This reimbursement agreement provides for: 1) the procedure for Developer to be reimbursed for constructing certain public facilities projects which Developer is financing by Community Facilities District #4 (CFD #4); and 2) the documentation required to substantiate the reimbursement amount for a constructed public facility project in the form of FBA credits.

The project costs have changed since the adoption of the FY1998 Black Mountain Ranch Public Facilities Financing Plan. The proposed actions account for those changes and allow for the agreement to proceed.

**FISCAL IMPACT:**

The estimated total cost of improvements relating to this agreement is \$18,000,000. Developer will utilize CFD funding to pay for the project costs. Developer will then be provided reimbursement on completed projects as approved by the City Auditor & Comptroller. Reimbursement will be in the form of FBA credits, at the time building permits are issued.

Ewell/Goldberg/CMG

**ADOPTION AGENDA, CONSENT ITEMS  
RESOLUTIONS:**

- \* ITEM-128: Agreement with the Central Commercial District Revitalization Corporation for the Administration of Maintenance Services for Central Commercial Maintenance Assessment District.

(Sherman Heights Community Area. District-8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1157 Cor. Copy)

Authorizing the City Manager to execute an agreement with Central Commercial District Revitalization Corporation for administration of Contracts for Goods and Contracts for Services for the Central Commercial Maintenance Assessment District for a period of one year in accordance with the San Diego Municipal Code Section 65.0212;

Authorizing the expenditure of an amount not to exceed \$32,250 for administration services with Central Commercial District Revitalization Corporation beginning February 1, 2002 through January 31, 2003.

**CITY MANAGER SUPPORTING INFORMATION:**

The Maintenance Assessment District Ordinance, San Diego Municipal Code Section 65.0212 paragraph (b) (2), authorizes the City Council to approve 1-year agreements with non-profit corporations to administer the Contracts for Goods and Contracts for Services in Maintenance Assessment Districts, if the required percentage of property owners have requested it. On August 7, 2000, the property owners in the Central Commercial Maintenance Assessment District (District) requested their contracts to be administered by the "Central Commercial District Revitalization Corporation" (Corporation). The Corporation has managed the contracts satisfactorily since the District was formed, and wishes to continue. The current agreement with the Corporation is from February 1, 2001 through January 31, 2002.

This action will authorize the City Manager to sign and continue the Agreement between the City and the Corporation for a period of one year beginning on February 1, 2002 and ending on January 31, 2003.

1. The Association will administer Contracts for Goods and Contracts for Service and prepare financial statements for the District as provided for in the Maintenance Assessment District Ordinance, Landscape and Lighting Act of 1972, and as set forth in the Engineer's Report for the Central Commercial Maintenance Assessment District.
2. The Corporation will perform all duties as set forth in the Agreement under Article 1, Section B, referred to as specific requirements. The Corporation will be reimbursed for these services within fifteen (15) working days from the receipt of properly prepared reimbursement requests.
3. The Corporation will be compensated for administration in an amount not to exceed 15% of the adopted FY02 budget which is currently \$32,250 (or \$2,687.50 per month) over the period of the Agreement.

**FISCAL IMPACT:**

Funds are available in the Central Commercial Maintenance Assessment District (Fund 70260) to reimburse the Corporation for maintenance services and to compensate it for administration.

Herring/Williams/SY

Aud. Cert. 2200861.

**ADOPTION AGENDA, CONSENT ITEMS**  
**RESOLUTIONS:**

- \* ITEM-129: Agreement with Department of Toxic Substances Control for the Regulatory Oversight of the Quince Street Burn Site Project.

(City Heights Community Area. District-3.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1180)

Authorizing the execution of an agreement with the Department of Toxic Substances for regulatory oversight of the Quince Street Burn Site;

Authorizing the expenditure of \$39,000 from the Refuse Disposal Enterprise Fund No. 41201, CIP-32-0100, Annual Allocation-Unclassified Disposal Sites, for the services identified in the agreement;

Declaring that no demolition or construction activities will occur with this action.

**CITY MANAGER SUPPORTING INFORMATION:**

The Quince Street Burn Site is located in a residential neighborhood within City Heights. Historical records indicate the site operated as a burn dump between 1928 and 1939. All types of materials were disposed of and the refuse was burned regularly. Burn site residue (also known as burn ash) has been found to contain a few contaminants at hazardous waste levels. The Department of Toxic Substance Control (DTSC) is the State Agency responsible for overseeing California hazardous waste materials and sites. In January 2002, the California Waste Management Board awarded the City of San Diego a \$750,000 matching grant for the Quince Street Burn Site. A condition of this grant is for the City to enter into a voluntary cleanup agreement with DTSC for oversight of this project. This action will provide for the services of DTSC and allow the City to meet the condition of the CIWMB matching grant.

**FISCAL IMPACT:**

Funds in the amount of \$39,000 are available in CIP-32-0100 for these services.

Loveland/Heim/SMC

**ADOPTION AGENDA, CONSENT ITEMS**

**RESOLUTIONS:**

- \* ITEM-130: Amendment No. 1 to the Agreement with Lee & Ro, Inc., for Sewer Pump Station 45.

(See Memorandum from Frank Belock dated 1/9/2002. La Jolla Community Area. District-1.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2002-876)

Authorizing the City Manager to execute a First Amendment to Agreement for Consulting Services for Sewer Pump Station 45 Improvements with Lee and Ro, Inc.;

Authorizing the expenditure of an amount not to exceed \$169,449 from Sewer



Fund 41506, CIP-46-106.0, Annual Allocation - Sewer Pump Station Restorations.

**NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:**

On 1/16/2002, NR&C voted 5 to 0 to approve. (Councilmembers Peters, Wear, Frye, Madaffer and Inzunza voted yea.)

**CITY MANAGER SUPPORTING INFORMATION:**

On February 1, 1999, the City entered into an agreement with Lee & Ro, Inc., Document No. R-291242, to provide engineering services for the design of Sewer Pump Station 45. Sewer Pump Station 45 is located in the La Jolla community at the end of Salk Institute Road. This pump station has been in service since 1957 and has reached its useful design life and needs to be upgraded to City Standards. The scope of work includes abandoning the existing Sewer Pump Stations 28, 29, and 45, and combining the flows from these three (3) pump stations into one larger station.

The abandonment of the other two (2) sites will eliminate the associated maintenance costs. This project has been presented to the communities at several stages of design and has been approved by both the La Jolla and the University Planning Groups.

This Amendment covers the additional services required to accommodate unforeseen design scope additions, design changes, and plan revisions required because of changed field conditions after the design drawings were substantially completed. Salk Institute is currently building a parking structure on Salk Institute Road. This expansion led to the relocation of existing utilities on the subject roadway. As a result, the alignment of the force main and gravity main had to be revised and the changes had to be reflected on the plans. Also, the consultant was required to conduct an acoustical study and prepare landscape plans to be submitted as part of the new site development permit requirements.

**FISCAL IMPACT:**

Total estimated cost of this project is \$922,834, of which \$400,000 was previously authorized by R-291242, and \$353,385 was previously authorized by R-294535. Amendment No. 1 will result in a \$169,449 increase to Phase II of the original consultant agreement. Funding is available in Sewer Fund 41506, CIP-46-106.0, Annual Allocation - Sewer Pump Station Restoration, for this purpose. The total estimated cost of this project is \$9,334,810.

Loveland/Belock/HR

Aud. Cert. 2200830.

WWF-02-565.

**ADOPTION AGENDA, CONSENT ITEMS**  
**RESOLUTIONS:**

\* ITEM-131: Contract for Police Officer at San Dieguito Union High School District.

(District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1101)

Authorizing the City Manager to execute one agreement with the San Dieguito Union High School District, to provide a San Diego Police Juvenile Services Team officer with primary responsibility to provide police services at the Torrey Pines High School and Carmel Valley Middle School located in the City of San Diego.

**CITY MANAGER SUPPORTING INFORMATION:**

In past years, crimes and violence have increased within our public schools. School districts and law enforcement officials continue to work as partners to ensure the safety of all school children. San Dieguito Union High School District has two secondary schools located within the City limits. San Dieguito Union High School District wishes to contract for one Juvenile Services police officer.

General conditions of the agreement are:

- 1) The City provides one Juvenile Services Team officer (the officer will spend at least 50% of his or her time at the schools) to provide a uniformed presence in and around school campuses.
- 2) The City will be reimbursed for half the cost of a full time POII plus supervision and the prorated equipment cost.
- 3) The City agrees to furnish normal police equipment and vehicle.
- 4) The City agrees the officer will develop presentations, attend meetings, continue community work, and provide pro-active enforcement during regular school hours.
- 5) This contract is for the remainder of Fiscal Year 2002 with an option to renew for an additional four (4) years.

**FISCAL IMPACT:**

The City's reimbursement from San Dieguito Union School District will be the pro-rated portion of \$59,439 based on the date of this agreement. This amount will be adjusted annually upon renewal.

Ewell/Bejarano/SS

#### ADOPTION AGENDA, CONSENT ITEMS

##### RESOLUTIONS:

\* ITEM-132: Mission City Parkway - Amendment No. 1 with T.Y. Lin.

(Mission Valley Community Planning Area. District-6.)

#### CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1093 Cor. Copy 2)

Authorizing the City Manager to execute the First Amendment to the Agreement with T.Y. Lin International in an amount not to exceed \$389,137, for professional services for the Mission City Parkway Bridge Project, CIP-53-053.0;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$389,137 from Fund 392201 for the Mission City Parkway Bridge Project, CIP-53-053.0.

#### CITY MANAGER SUPPORTING INFORMATION:

The Mission City Parkway Bridge Project (CIP-53-053.0) provides an all-weather 2-lane bridge and roadway across the San Diego River from the Light Rail Crossing (LRT) at Fenton Parkway to the intersection of Camino Del Rio North and Mission City Parkway, a new road/entrance to Qualcomm Stadium from Mission City Parkway, realignment of the substandard Camino Del Rio North east of the Mission City Parkway intersection, a dedicated wetlands mitigation area adjacent to the San Diego River, and the site preparation necessary for the NFL Experience as part of the Superbowl in January 2003. Access to the Fenton Parkway LRT Station Parking Lot (under design by MTDB) is also provided for in the project, as well as the improvements required under agreement with H.G. Fenton for the reconstruction of their drainage facilities to the San Diego River. The bridge will be an all-weather structure (above the 100-year flood level) and provide the only local road crossing of the river between Morena Blvd. and Mission Gorge Rd/Fairmont that will not be subject to flooding during peak storm events.

The bridge and roadway have been included in the Mission Valley Community Plan (previously named Milly Way) since 1985 and are critical elements of the Mission Valley traffic circulation

plan. The Fenton Marketplace development, the Mission Valley Library (currently under construction), and the Fenton Parkway LRT Trolley Station all depend on the improved traffic circulation to the south as well as the corresponding traffic improvement to Friars Rd that this project will provide and these projects were approved with the understanding that the bridge would be completed.

Today's actions will provide the consultant services necessary for the final Environmental Impact Report, remaining design, and permitting for the project. The additional investigations and design necessary to adequately address the increased requests by the Resource Agencies (Department of Fish and Game, U. S. Fish and Wildlife, etc.) were not included in the original scope of work for the consultant. These additional requests include such issues as the Multi-Habitat Planning Area boundary adjustment, property exchange, new alternatives, and others.

### **FISCAL IMPACT:**

Funding necessary for this action in the amount of \$389,137 is available from Developer Contributions Fund 392201, Mission City Parkway Bridge.

Loveland/Belock/PB

Aud. Cert. 2200850.

### **ADOPTION AGENDA, CONSENT ITEMS RESOLUTIONS:**

- \* ITEM-133: Two actions related to First Amendment to the Agreement between the City and Westshaw Associates, L.P., to Implement Prop. C on the Bougainvillea Project (89-1296).

(See City Manager Report CMR-02-052. Del Mar Mesa Community Area. District-1.)

### **CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2002-1119)

Authorizing the City Manager to execute an Amended and Restated Agreement Relating to Implementation of Proposition C, with Westshaw Associates, L.P., for the implementation of the hotel portion of the Bougainvillea Project (Vesting Tentative Map, Resource Protection Ordinance/Conditional Use Permit/Planned Residential Development Permit No. 89-1296, approved by the City Council on December 10, 1996).

Subitem-B: (R-2002-1120)

Declaring that the information contained in EIR/DEP-89-1296, certified by Resolution R-288197 on December 10, 1996, has been reviewed and considered by Council and it is determined that no substantial changes or new information of substantial importance within the meaning of CEQA Guideline Section 15162 would warrant any additional environmental review in connection with the approval of an Amended and Restated Agreement Relating to Implementation of Proposition C;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors.

**ADOPTION AGENDA, CONSENT ITEMS**

**RESOLUTIONS:**

\* ITEM-134: Dale Street Storm Drain - Change Order No. 2.

(Greater North Park Community Area. District-3.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1154)

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$75,000 from CIP-17-001.0, Minor Drains and Seepage, Fund 30300, to Dale Street Storm Drain, CIP-12-144.0, for providing funds for the payment of Change Order No. 2 and related costs;

Authorizing the expenditure of an amount not to exceed \$75,000 from Fund 30300, CIP-12-144.0, Dale Street Storm Drain.

**CITY MANAGER SUPPORTING INFORMATION:**

The Dale Street Storm Drain project, located in the Greater North Park Community Area, was designed to relieve flooding around the intersection of Dale Street and Upas Street by collecting storm water and conveying it to Switzer Canyon. The construction contract was awarded to Scheidel Contracting and Engineering on 01-02-2001. During construction, two failed storm drains were discovered on the slopes of Switzer Canyon. Change Order No. 1 for \$125,000 for the emergency repairs of the failed storm drains, prior to the onset of the rainy season, was approved on 12-10-2001 by City Council Resolution number R-295845. Left unchecked, the failed drains posed the risk of significant slope erosion and damage to public roadway and private property. New storm drain piping and outfalls were installed on the canyon slopes.

Additional funds of \$75,000 are needed to cover environmental and administrative costs (in the amount of \$36,386.62) and construction Change Order No. 2 (in the amount of \$38,613.38). The \$36,386.62 for environmental and administrative costs will be required for the 25 month environmental monitoring period for the repaired Switzer Canyon slopes and the costs incurred due to the increases in the scope of work. Change Order No.2 for \$38,613.38 covers construction activities related to the replacement of approximately 4,000 square feet of asphalt-concrete from the crumbling of the existing aged street and sidewalk under the activity of the construction equipment. This amount also covers sidewalk work needed for the installation of storm drain inlet to fit actual field conditions. This is the final Change Order for the project.

**FISCAL IMPACT:**

The additional \$75,000 needed to fund this work is available in the Annual Allocation, Minor Drains and Seepage, CIP-17-001.0.

Loveland/Belock/PB

Aud. Cert. 2200874.

**ADOPTION AGENDA, CONSENT ITEMS  
RESOLUTIONS:**

\* ITEM-135: Sewer Group 641 - Contract Change Order No. 3.

(See Frank Belock Jr.'s 12/5/2001 memo. La Jolla Community Area. District-1.)

**TODAY'S ACTION IS:**

Adoption of the following resolution:

(R-2002-1063)

Authorizing Contract Change Order No. 3, dated October 4, 2001, issued in connection with the contract between the City of San Diego and BRH-Garver, Inc. for the construction of Sewer Group Job 641, for a net increase in the contract price of \$61,351.20;

Authorizing the expenditure of an amount not to exceed \$91,351.20 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, for funding the Change Order and engineering and consultant costs;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

## **NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:**

On 12/12/2001, NR&C voted 5-0 to approve. (Councilmembers Peters, Wear, Frye, Madaffer and Inzunza voted yea.)

## **CITY MANAGER SUPPORTING INFORMATION:**

On August 2, 1999, the City Manager approved awarding the low base bid of \$2,863,475 to BRH-Garver for the construction of Sewer Group Job 641. This project includes the replacement of approximately 15,745 LF of sewer main in the La Jolla community area. During the final phase of construction, it was necessary to replace the concrete pavement along Fern Glen Street which was in poor condition due to extensive trenching for utilities relocation. Furthermore, an archaeologist was hired, during the excavation in Arenas Street, to analyze and curate historic cultural materials that were unearthed by the contractor. This work was not a part of the original scope and was a field discovery. The total Construction Change Order No. 3 is \$61,351.20.

The total requested money for this work is \$91,351.20, which includes additional in-house design and inspection work associated with Change Order No. 3. Also, the cost includes hiring an environmental geologist engineering expert to examine and evaluate the surrounding soil for any soil contamination due to sewer lateral leakage.

## **FISCAL IMPACT:**

The total cost of this project is \$3,842,999.95 of which \$3,751,648.75 was previously authorized by Council Resolutions R-291630 and R-292013. This request of \$91,351.20 is available in Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, of which \$12,000 is for an as-needed consultant, \$18,000 is for construction engineering, and \$61,351.20 is for construction.

Loveland/Belock/HR

Aud. Cert. 2200782.

WWF-02-554.

## **ADOPTION AGENDA, CONSENT ITEMS RESOLUTIONS:**

\* ITEM-136: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District-8.)

## **TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2002-1117)

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

**ADOPTION AGENDA, CONSENT ITEMS**

**RESOLUTIONS:**

- \* ITEM-137: Declaring a Continued State of Emergency due to Economic Circumstances in the San Diego-Tijuana Border Region.

(District-8.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2002-902)

Declaring a Continued State of Emergency due to economic circumstances in the San Diego-Tijuana border region.

**ADOPTION AGENDA, CONSENT ITEMS**

**RESOLUTIONS:**

- \* ITEM-138: Declaring a Continued Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2002-1150)

Declaring a Continued Local Health Emergency due to the spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV) for the purpose of implementing a one-year clean needle and syringe exchange program.

**CITY MANAGER'S SUPPORTING INFORMATION:**

California Health and Safety Code section 11364.7 (effective January 1, 2000) acknowledges the public health threat posed by the sharing of needles and syringes by injection drug users. The



Code requires a local jurisdiction to declare a local emergency due to the existence of a critical local public health crisis in order to establish a clean needle and syringe exchange program. In order to permit development and implementation of a pilot clean needle and syringe exchange program, today's action continues the state of emergency first declared by the City Council on November 27, 2001.

**ADOPTION AGENDA, CONSENT ITEMS**

**RESOLUTIONS:**

\* ITEM-139: Settlement of the Personal Injury Claim of Natalie Oakley.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1126)

A Resolution approved by the City Council in Closed Session on Tuesday, February 26, 2002, by the following vote: Peters-yea; Wear-yea; Atkins-yea; Stevens-yea; Maienschein-yea; Frye-yea; Madaffer-yea; Inzunza-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$28,000 in the settlement of each and every claim against the City, its agents and employees, resulting from the personal injury to Natalie Oakley (Superior Court Case No. GIC-762537 Natalie Oakley v. City of San Diego, et al.);

Authorizing the City Auditor and Comptroller to issue one check in the total amount of \$28,000 made payable to Natalie Oakley and her attorney, Amos Galam, in full settlement of the lawsuit and all claims.

Declaring that funds are to be payable from Fund No. 81140, Public Liability Reserve Fund.

**CITY MANAGER SUPPORTING INFORMATION:**

This constitutes the complete and final settlement of the personal injury claim of Natalie Oakley against the City of San Diego, its agents and employees, as a result of an incident which occurred on March 12, 2000.

Lexin/Lopez/SF

Aud. Cert. 2200852.

**NOTE:** The Auditor's Certificate was not requested prior to Closed Session. The vote taken in Open Session shall be the official vote.

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS**  
**ORDINANCES TO BE INTRODUCED:**

ITEM-200: Two actions related to Time Warner Cable and Cox Cable Franchise Agreements.

(See City Manager Report CMR-02-053.)

**CITY MANAGER'S RECOMMENDATION:**

Introduce the following ordinances:

Subitem-A: (O-2002-114)

Amending Section 16(e) of Ordinance O-15213 (Cable Franchise granted to American Television and Communications Corporation) to read as follows:

- (e) Subject to California Public Utility Commission's (CPUC) for obtaining the approval of the City's entire undergrounding surcharge proposal, City's undergrounding program will assume responsibility for that portion of the joint trench costs related to extra depth trenching and the installation of conduit and substructures, with the balance of any undergrounding costs to be paid by Grantee's Subscribers.

Amending Section 19 of Ordinance O-15213 to read as follows:

Grantee shall, at its sole expense, protect, support, temporarily disconnect, relocate in the same street, alley, or public place, or removal from any street, alley or public place, any Franchise Property when required by the City Manager provided, however, that Grantee shall have the privilege and be subject to the obligation to abandon Franchise Property in place as provided in Section 18; and provided further that Grantee shall have the benefit of any local, state or federal law or regulations providing for reimbursement of or contribution toward Grantee's expense necessitated by such improvements.

Amending Section 21(c) of Ordinance O-15213 to read as follows:

- (c) Payments made to the City by Grantee pursuant to this section for any calendar year shall be as a rental for use of the public right of way. Any Grantor imposed fees for right of way usage [Right of Way Fee] shall be credited with consideration paid herein. Subject to the provisions of section 16(e), any revenues which remain after this credit of Right of Way Fees will be credited toward any additional fees Grantor imposes for inspection, trenching, cutting or deterioration of the right of way.

Declaring that this ordinance shall take effect and be in force as of the effective date of the CPUC approval of the Advise Letter implementing an undergrounding surcharge as approved by the City Council.

Subitem-B: (O-2002-115)

Amending Section 16(e) of Ordinance O-12543 (Cable Franchise granted to Mission Cable TV, Inc.) to read as follows:

- (e) Subject to California Public Utility Commission's (CPUC) for obtaining the approval of the City's entire undergrounding surcharge proposal, City's undergrounding program will assume responsibility for that portion of the joint trench costs related to extra depth trenching and the installation of conduit and substructures, with the balance of any undergrounding costs to be paid by Grantee, without any pass through of those costs to Grantee's Subscribers.

Amending Section 19 of Ordinance O-12543 to read as follows:

Grantee shall, at its sole expense, protect, support, temporarily disconnect, relocate in the same street, alley, or public place, or removal from any street, alley or public place, any Franchise Property when required by the City Manager provided, however, that Grantee shall have the privilege and be subject to the obligation to abandon Franchise Property in place as provided in Section 18; and provided further that Grantee shall have the benefit of any local, state or federal law or regulations providing for reimbursement of or contribution toward Grantee's expense necessitated by such improvements.

Amending Section 21(c) of Ordinance O-12543 to read as follows:

- (c) Payments made to the City by Grantee pursuant to this section for any calendar year shall be as a rental for use of the public right of way. Any Grantor imposed fees for right of way usage [Right of Way Fee] shall be credited with consideration paid herein. Subject to the provisions of section 16(e), any revenues which remain after this credit of Right of Way Fees will be credited toward any additional fees Grantor imposes for inspection, trenching, cutting or deterioration of the right of way.

Declaring that this ordinance shall take effect and be in force as of the effective date of the CPUC approval of the Advise Letter implementing an undergrounding surcharge as approved by the City Council.

**NOTE:** 6 votes required for Subitems A and B pursuant to Section 103 of the City Charter.

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS**  
**RESOLUTIONS:**

ITEM-201: Del Mar Mesa Multiple Species Conservation Program Acquisitions.

(Del Mar Mesa Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1181)

Authorizing the City Manager to acquire property rights to three parcels in the Del Mar Mesa area for the continued implementation of the Multiple Species Conservation Program;

Authorizing the appropriation and expenditure of \$100,000 from the General Fund Allocated Ordinance (Fund 10001, Job Order No. 010652) and \$574,000 from the Multiple Species Conservation Program Fund (Fund 100, Job Order No. 004536). The sums represent the City's contributory obligation towards the purchase price of three parcels in the Del Mar Mesa area, including appraisal, labor, title, escrow, and miscellaneous costs.

**CITY MANAGER SUPPORTING INFORMATION:**

The City seeks to acquire three parcels in the Del Mar Mesa area as part of the continued implementation of the Multiple Species Conservation Program. Del Mar Mesa, located in Subarea V in the North City Future Urbanizing Area, is a biologically-critical region, deemed essential for continued conservation of San Diego's unique bio-diversity. The subject parcels, totaling approximately 56 acres, were identified by MSCP staff as the first properties to be sought based on their location, habitat content, and appraised value.

This action authorizes the expenditure of \$100,000 from General Fund Allocated Ordinances and \$574,000 from the Multiple Species Conservation Program Fund, which will be used in conjunction with the following authorized grant funds:

\$ 250,000	Caltrans Environmental Enhancement and Mitigation Program; adopted November 10, 1998, Resolution R-290916
\$ 250,000	State Wildlife Conservation Board; adopted July 31, 2000, Resolution R-293578
<u>\$ 950,000</u>	U.S. Fish and Wildlife Service; adopted September 24, 2001, Resolution R-295505
\$1,450,000	
<u>\$ 674,000</u>	Funds authorized by this action.
\$2,124,000	

The \$250,000 grant from Caltrans is a spend-to-get, and will be used to reimburse the City's MSCP Fund following the close of escrow.

**FISCAL IMPACT:**

Funds totaling \$674,000 are available in Fund 10001, Job Order 010652 (General Fund Allocated Ordinances), and Fund 100, Job Order 004536 (MSCP Fund).

Herring/Griffith/SLG

Aud. Cert. 2200878.

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS  
RESOLUTIONS:**

ITEM-202: State Route 163 and Friars Road Interchange Improvements - Preliminary Engineering Phase.

(Mission Valley Community Area. District-6.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1122)

Authorizing the addition of CIP-52-455.0, State Route 163 and Friars Road, to the Fiscal Year 2002 Capital Improvements Program Budget;

Authorizing a \$2,530,000 increase in the Fiscal Year 2002 Capital Improvements Program Budget in CIP-52-455.0, State Route 163 and Friars Road; \$171,139 from Fund 63022, Private Donations; \$106,861 from Mission Valley DIF Fund 79529 and \$2,252,000 of Regional Surface Transportation Program Funds (Fund 38981);

Authorizing the appropriation of \$171,139 from Fund 63022, Private Donations, to CIP-52-455.0;

Authorizing the appropriation of \$106,861 from Mission Valley DIF Fund 79529 to CIP-52-455.0;

Authorizing the City Manager to apply for and accept the program supplement for Regional Surface Transportation Program Funds for an amount of \$2,252,000 for the Preliminary Engineering of CIP-52-455.0, Fund 38981;

Authorizing the appropriation and expenditure of \$2,252,000 of Regional Surface Transportation Program Funds (Fund 38981) to CIP-52-455.0;

Authorizing the expenditure of \$2,530,000 from CIP-52-455.0, for completion of environmental review and final document, and completion of Preliminary Engineering (final plans, specifications, and estimates);

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer funds to the appropriate reserves, provided that the City Auditor first furnishes a certificate demonstrating that the funds necessary for such expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

#### **CITY MANAGER SUPPORTING INFORMATION:**

The proposed new project will provide numerous improvements to Friars Road and State Route 163 Interchange, including a new southbound to the westbound off-ramp. This action provides the necessary funding to complete the preliminary engineering phase of the project, which includes the final environmental document and final plans, specifications, and estimates. Additional Regional Surface Transportation Funding will become available in future years to complete the property acquisition and construction phases of this project. The City's matching funds will need to be identified for those phases.

#### **FISCAL IMPACT:**

The \$2,252,000 in FY2002 Regional Surface Transportation Program Funding requires an 11% match from the City. \$106,861 in Mission Valley DIF and \$171,139 from Tentative Map 830393 from H. G. Fenton have been identified as the City's funding match requirement of the \$2,530,000 needed for preliminary engineering.

Loveland/Gonzalez/AH

Aud. Cert. 2200848.

#### **ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS RESOLUTIONS:**

ITEM-203: Two actions related to Consultant Agreement with Boyle Engineering for La Jolla Village Dr./I-805 and Miramar Road Widening.

(North University City Community Area. District-1.)

### **CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2002-1177 Cor. Copy)

Authorizing the City Manager to execute an agreement with Boyle Engineering Inc., to provide construction documents for La Jolla Village Drive/I-805 and Miramar Road Widening;

Authorizing the expenditure of an amount not to exceed \$981,650 from CIP-52-485.0, Facilities Benefit Assessment Fund 79001 and an amount not to exceed \$348,500 from CIP-52-679.0, Facilities Benefit Assessment Fund 79001.

Subitem-B: (R-2002-1178)

Declaring that the information contained in Environmental Impact Report/Environmental Impact Statement DEP-91-0397, certified by Resolution R-290810, adopted on October 5, 1998, including any comments received during the public review process, has been reviewed and considered by this Council and is determined that no substantial changes or new information of substantial importance within the meaning of CEQA Guideline Section 15162 would warrant any additional environmental review in connection with the approval of the construction of La Jolla Village Drive/I-805 and Miramar Road Widening;

Directing the City Clerk to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

### **CITY MANAGER SUPPORTING INFORMATION:**

The subject project consists of the reconstruction of La Jolla Village Dr./Miramar Road I-805 Interchange and widening of La Jolla Village Dr./Miramar Road I-805 overcrossing and its approaches. In addition, Miramar Road would be widened to 8 lanes from Eastgate Mall to I-805. The project would be designed and constructed in substantial conformance with Caltrans Project Report entitled, "Proposed Extension of Nobel Dr. to Miramar Road and Half Diamond Interchange of I-805 in the City of San Diego, dated October 1995 and in substantial conformance with the Final Environmental Impact Report/ Environmental Impact Statement for Nobel Dr., I-805 Interchange and extension Project dated May 1998.

It is proposed to utilize the services of a consultant to design this project because of the magnitude and complexity of the project. Special expertise, that is not available within City Staff, is required for the bridge widening and geotechnical investigation and limited City Staffing within the department would preclude the completion of the design in a timely manner. Consultants submitted letters of interest and nine firms were interviewed in conformance with Council Policy 300-7. The firm of Boyle Engineering, Inc. was selected. Boyle Engineering,

Inc. has approximately 21.29% WBE/MBE/DBE participation for this project. They would be responsible for the preparation of construction drawings, specifications, and cost estimates.

**FISCAL IMPACT:**

The total Fee for providing engineering services under this agreement is \$1,330,150. The basic fee is \$1,170,150 and if required \$160,000 is included for additional services. Funds are available from CIP-52-485.0, La Jolla Village Dr./I-805 Interchange Ramps and CIP-52-679.0, Miramar Road - I-805.

Loveland/Belock/PB

Aud. Cert. 2200859.

**PUBLIC NOTICES:**

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-250: Notice of Completion and Acceptance of Subdivision Improvement Agreement.

Notice is hereby given that the City Manager of the City of San Diego intends to file a "Notice of Completion and Acceptance of Subdivision Improvement Agreement" indicating that the improvements included in the Subdivision Improvement Agreement have been satisfactorily completed for the following subdivisions:

**SUBDIVISION**

Cypress Valley Unit No. 1  
Cypress Valley Unit No. 2  
Mercy Road Homes Unit No. 1  
Sabre Springs Parcel 11

**COMMUNITY AREA**

Miramar Ranch North  
Miramar Ranch North  
Mira Mesa  
Sabre Springs

The certification shall be recorded 15 days after the date this notice appears on the Council Docket or shortly thereafter. If any person wishes to object to the filing of this notice, such person should communicate the objection on or before that date to the Director or Planning and Development Review or to the Subdivision Engineer, City Operations Building, 1222 First Avenue (MS 507), San Diego, CA 92101.

**PUBLIC NOTICES:**

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-251: **Notice** of Pending Final Map Approval.



Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled "Black Mountain Ranch Unit No. 5," (T.M. 95-1073) a copy of which is available for public viewing at the office of the San Diego City Clerk. Said project is located in the Black Mountain Ranch Community Plan Area in Council District 1. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

#### PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

#### ITEM-252: **Notice** of Pending Final Map Approval.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled "Bird Rock Village," (T.M. 99-0761) a copy of which is available for public viewing at the office of the San Diego City Clerk. Said project is located in the La Jolla Community Plan Area in Council District 1. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said

tentative map.

(2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.

(3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed.

Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

#### PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

#### ITEM-253: **Notice** of Pending Final Map Approval.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled "City Walk Condominiums," (T.M. 98-0964), a copy of which is available for public viewing at the office of the San Diego City Clerk. Said project is located in the Centre City Community Plan Area in Council District 2. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

(1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.

(2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.

(3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed.

Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this notice stating briefly which of the above findings made by

the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

#### PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

#### ITEM-254: **Notice** of Pending Final Map Approval.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled "Mission City Phase III," (T.M. 96-0544), a copy of which is available for public viewing at the office of the San Diego City Clerk. Said project is located in the Mission Valley Community Plan Area in Council District 6. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

#### NON-DOCKET ITEMS

#### ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

## ADJOURNMENT